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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 BOARD OF TRUSTEES OF THE SHEET  
11 METAL WORKERS' PENSION PLAN OF  
12 SOUTHERN CALIFORNIA, ARIZONA  
AND NEVADA, et al.,

Plaintiffs,

13 vs.

14 ROBERT RALPH LARCEVAL and SUSAN  
15 JANE BENHAM, individuals and doing  
business as RRL MECHANICAL,

16 Defendants.

CASE NO. 11CV1893 JLS (POR)

**ORDER STAYING CASE**

(ECF No. 13)

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18 On January 23, 2012, Plaintiffs filed a response to this Court's Order directing Plaintiffs to  
19 submit briefing demonstrating good cause for why the complaint against the defaulted parties  
20 should not be dismissed for failure to move for default judgment within the time prescribed by  
21 Local Rule 55.1. (Resp., ECF No. 13) In that response, Plaintiffs indicated to the Court for the  
22 first time that Defendants filed for Chapter 13 bankruptcy on December 29, 2011, and accordingly  
23 requested that the case be stayed "until and unless the Defendants' bankruptcy is dismissed or  
24 discharged." (*Id.* at 2)

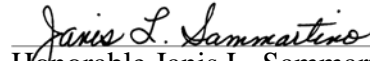
25 The automatic stay provision of 11 U.S.C. § 362(a)(1) prohibits the "commencement or  
26 continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that  
27 was or could have been commenced before the commencement of the case under this title, or to  
28 recover a claim against the debtor that arose before the commencement of the case under this

1 title.” 11 U.S.C. § 362(a)(1). Here, the individual defendants Robert Ralph Larceval (“Larceval”)  
 2 and Susan Jane Benham (“Benham”) have filed for Chapter 13 bankruptcy. Accordingly, the  
 3 claims against them are automatically stayed under § 362(a)(1).<sup>1</sup>

4 A stay issued pursuant to § 362(a)(1) continues until the case is closed or dismissed, or the  
 5 discharge is granted or denied. 11 U.S.C. § 362(c)(2). Accordingly, the Court directs Plaintiffs to  
 6 submit to the Court within seven days of the date the bankruptcy case is closed or dismissed, or the  
 7 discharge granted or denied, a motion to lift the stay in this matter.

8 **IT IS SO ORDERED.**

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 10 DATED: January 27, 2012

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 12 Honorable Janis L. Sammartino  
 13 United States District Judge  
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23 <sup>1</sup> The automatic stay provision applies only to those defendants who have filed for bankruptcy.  
 24 *Ingersoll-Rand Fin. Corp. v. Miller Mining Co.*, 817 F.2d 1424, 1427 (9th Cir. 1987). The underlying  
 25 complaint in this action seeks relief against Defendants Larceval and Benham, “individuals and doing  
 26 business as RRL Mechanical,” and all of the allegations in the complaint pertain to the defendants  
 27 collectively. (Compl. ¶ 8, ECF No. 1) There is no indication that RRL Mechanical has filed for  
 28 bankruptcy, and therefore the automatic stay provision of 11 U.S.C. § 362(a)(1) does not apply.  
 Nevertheless, the Court finds it appropriate to additionally stay the claims as against RRL Mechanical  
 as the claims are asserted against all defendants collectively and RRL Mechanical is comprised of the  
 individual defendants subject to the automatic stay. *See Mediterranean Enters., Inc. v. Ssangyong*  
*Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (“[A] trial court may, with propriety, find it is efficient  
 for its own docket and the fairest course for the parties to enter a stay of an action before it, pending  
 resolution of independent proceedings which bear upon the case.”).